

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ALVIN ROYBAL,  
JERRY B. SANCHEZ, and  
ANSELMO SMITH,

Plaintiffs,

vs.

Civ. No. 13-25 KG/KBM

CITY OF ALBUQUERQUE,  
RICHARD J. BERRY, Mayor,  
ROBERT PERRY, Chief Administrative Officer,  
VINCENT YERMAL, Director of Human Resources,  
MARY SCOTT, Deputy Dir. of Human Resources,  
BRUCE RIZZIERI, Transit Department Director,  
CITY PERSONNEL BOARD,  
CITY LABOR-MANAGEMENT RELATIONS BOARD,  
BARBARA ALBIN, Personnel Hearing Officer, and  
PAULA I. FORNEY, Attorney.

PARTIAL DISMISSAL AND PARTIAL SUMMARY JUDGMENT

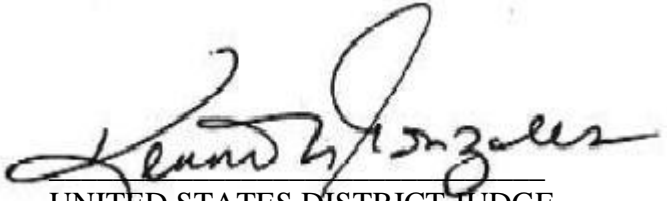
Having granted the Motion to Dismiss or, in the Alternative, Motion for Summary Judgment Dismissing Complaint in its Entirety (Doc. 16), filed January 30, 2013, by Memorandum Opinion and Order entered contemporaneously with this Partial Dismissal and Partial Summary Judgment,

IT IS ORDERED that

1. Plaintiff Alvin Roybal's administrative appeal is dismissed without prejudice;
2. summary judgment is entered in favor Defendants City of Albuquerque, Richard J. Berry, Robert Perry, Vincent Yermal, and Bruce Rizzieri on the claims brought by Plaintiff Alvin Roybal in Counts 1, 3, 4, and 6 of Plaintiffs' First Amended Complaint for Violations of Constitutional and Contractual Rights and Wrongful Termination, Abuse of Process, and

Prohibited Labor Practices (Doc. 26) (First Amended Complaint), filed February 20, 2013;

3. those claims are dismissed with prejudice;
4. summary judgment is entered in favor of all of the Defendants on Counts 2 and 5 of the First Amended Complaint; and
5. Counts 2 and 5 of the First Amended Complaint are dismissed with prejudice.



UNITED STATES DISTRICT JUDGE